PATENT
Attorney Docket No. ASC-022CPC1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Wu *et al.*

SERIAL NUMBER: 10/603,852   GROUP NUMBER: 2811

FILING DATE: June 25, 2003   EXAMINER: Owens, Douglas W.

TITLE: ETCH STOP LAYER SYSTEM

Terminal Disclaimer

We, the undersigned, state that we are representatives authorized to sign on behalf of Massachusetts Institute of Technology and The Charles Stark Draper Laboratory, Inc., respectively, identified below as the assignees of the entire right, title and interest in and to the above-identified patent application, U.S. Serial No. 10/603,852. We have reviewed all the evidentiary documents accompanying or referred to in the instant Terminal Disclaimer and certify that, to the best of our knowledge and belief, title to the above-identified application is jointly in the names of Massachusetts Institute of Technology and The Charles Stark Draper Laboratory, Inc.

Massachusetts Institute of Technology of 77 Massachusetts Avenue, Cambridge, Massachusetts 02139 and The Charles Stark Draper Laboratory, Inc. of 555 Technology Square, Cambridge, Massachusetts 02139 are the joint assignees of the entire right, title and interest in and to the above-identified application, 10/603,852, by virtue of the Assignments executed by the inventors on November 7, 2003, November 20, 2003, February 19, 2004, and March 9, 2004, and submitted to the United States Patent and Trademark Office for recordation on March 29, 2004.
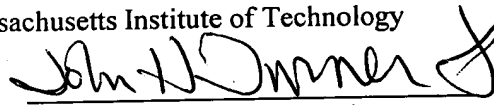
Massachusetts Institute of Technology and The Charles Stark Draper Laboratory hereby waive and disclaim the terminal part of any patent granted on the above-identified application which would extend beyond the full statutory term (which may be longer than seventeen (17) years) of any patent issuing from U.S. Patent No. 6,689,211, issued February 10, 2004, and hereby agree that any patent so granted on U.S. Serial No. 10/603,852 shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to any patent issuing from U.S. Patent No. 6,689,211, this agreement to run with any patent granted on the U.S. Serial No. 10/603,852 and to be binding upon the Assignees, their successors or assigns.

Massachusetts Institute of Technology and The Charles Stark Draper Laboratory, Inc. do not disclaim any terminal part of the term of patent granted on the above-identified application U.S. Serial No. 10/603,852 prior to the expiration date of the full statutory term of any patent issuing from U.S. Patent No. 6,689,211, in the event that any said patent expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole, or terminally disclaimed under 37 C.F.R. 1.321(a), has all claims canceled by a re-examination certificate, or is otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer, if any, except for the separation of legal title stated above.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made in the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

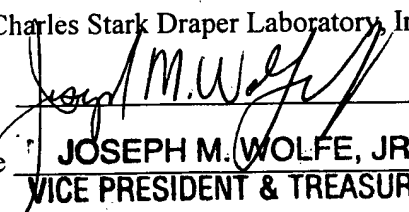Massachusetts Institute of Technology

By _____

Name   JOHN H. TURNER, JR.

Title   ASSOCIATE DIRECTOR

      TECHNOLOGY LICENSING OFFICE

Date _____

The Charles Stark Draper Laboratory, Inc.

By _____

Name _____

Title _____

Date _____

3101395-1

PATENT
Attorney Docket No. ASC-022CPC1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made in the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Massachusetts Institute of Technology

By _____

Name _____

Title _____

Date _____

The Charles Stark Draper Laboratory, Inc.

By _____

Name ___ JOSEPH M. WOLFE, JR.
_____ VICE PRESIDENT & TREASURER

Title _____

Date _____ AUG 18 2004 _____

3101395-1

FEE TRANSMITTAL FY 2004

(stamp: O I P E / SEP 0 1 2004 / PATENT TRADEMARK OFFICE)

Complete if Known	
Application Serial Number	10/603,852
Filing Date	June 25, 2003
First Named Inventor	Wu
Group Art Unit	3708
Examiner Name	Owens
Attorney Docket No.	ASC-022CPC1

METHOD OF PAYMENT

1. ☒ Payment Enclosed:
   ☒ Check ☐ Money Order ☐ Other

2. ☒ The Commissioner is hereby authorized to credit or charge any fee indicated below for this submission to Deposit Account No. 20-0531.
   - ☐ Required Fees (copy of this sheet enclosed).
   - ☒ Additional fee required under 37 CFR 1.16 and 1.17.
   - ☒ Overpayment Credit.

3. ☐ Applicant claims small entity status.

FEE CALCULATION

1. FILING FEE

Large Entity

Fee ($)	Fee Description	Fee Paid
770	Utility filing fee	
340	Design filing fee	
160	Provisional filing fee	

	Number Filed	Number Extra	Rate	Amount
Total Claims		- 20 =	x $ 18.00 =	
Independent Claims		- 3 =	x $ 86.00 =	
☐ Multiple Dependent Claim(s), if any			$290.00 =	

TOTAL:
SMALL ENTITY DISCOUNT:

SUBTOTAL (1)	($)	0.00

2. AMENDMENT CLAIM FEES

Claims Remaining After Amend.	Highest No. Previously Paid For	Present Extra	Rate	Fee Paid
Total 124	- 121 =	3	x $ 18.00 =	54
Indep. 24	- 10 =	14	x $ 86.00 =	1204
☐ First Presentation of Multiple Dep. Claim		+ $290.00 =		

TOTAL: ($)1258
SMALL ENTITY DISCOUNT: ($)

SUBTOTAL (2)	($)0.00

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee ($)	Small Entity Fee ($)	Fee Description	Fee Paid
130	65	Surcharge - late filing fee or oath	
50	25	Surcharge - late provisional filing fee or cover sheet	
130	130	Non-English specification	
2,520	2,520	Request for ex parte reexamination	
110	55	Extension for reply within first month	
420	210	Extension for reply within second month	
950	475	Extension for reply within third month	
1480	740	Extension for reply within fourth month	
2010	1005	Extension for reply within fifth month	
330	165	Notice of Appeal	
330	165	Filing a brief in support of an appeal	
290	145	Request for oral hearing	
130	130	Petitions to the Commissioner	
180	180	Submission of Information Disclosure Statement	180.00
770	385	Filing a submission after final rejection (37 CFR 1.129(a))	
770	385	For each additional invention to be examined (37 CFR 1.129(b))	
100	100	Certificate of Correction for applicant's error	
110	55	Submission of Terminal Disclaimer	110.00
Other fee (Specify)		_____	
Other fee (Specify)		_____	

SUBTOTAL (3)	($) 290.00

SUBTOTAL (1)	0.00
SUBTOTAL (2)	1258.00
SUBTOTAL (3)	290.00
TOTAL ($)	1,548.00

CORRESPONDENCE ADDRESS

Direct all correspondence to:
Patent Administrator
Testa, Hurwitz & Thibeault, LLP
High Street Tower-125 High Street
Boston, MA 02110
Tel. No.: (617) 248-7000
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SIGNATURE BLOCK

Respectfully submitted,

Date: Aug. 30, 2004
Reg. No.: 44,381
Tel. No.: (617) 310-8327
Fax No.: (617) 248-7100

(signature) C. U
Natasha C. Us
Attorney for the Applicants
Testa, Hurwitz & Thibeault, LLP
High Street Tower-125 High Street
Boston, MA 02110

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